

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-60143 of 2022
Date of Decision:13.02.2023

Jaibir

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ashish Pannu, Advocate,
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana

Mr. J. S. Kang, Advocate and
Mr. K. S. Virk, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present second petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.190 dated 30.08.2022, under Sections 148, 149, 120-B, 323, 341 and 506 IPC (Sections 307 and 325 IPC added later on), registered at Police Station Alewa, District Jind.

Learned counsel for the petitioner submitted that the petitioner had withdrawn his earlier bail petition on 02.12.2022 and now 2½ months have lapsed. He submitted that the petitioner is in custody from 09.09.2022 and the investigation of the case has already been completed and the matter is now

fixed for framing of charges. He submitted that as per the allegations, the petitioner was alongwith the other co-accused namely Pawan @ Pona who had attacked the complainant which caused head injuries and thereafter during the course of investigation, provision of Sections 307 and 325 IPC were added. He submitted that the main accused in the present case even as per the FIR is Pawan @ Pona and so far as the present petitioner is concerned, the role attributable to him is with regard to causing of injuries with a danda.

Learned counsel for the petitioner has further submitted that the similarly situated co-accused who is at parity with the present petitioner, namely Sonu to whom identical role has been attributed, has already been extended the benefit of bail by this Court in CRM-M-52718 of 2022 on 21.12.2022 and the therefore the present petitioner who is exactly at parity with the aforesaid co-accused, may be considered for the grant of regular bail.

On the other hand, Ms. Nidhi Garg, learned AAG, Haryana has submitted that it is correct that the petitioner is in cusotdy from 09.09.2022 and the investigation of the case has already been completed. She however submitted that the petitioner is also involved in one more case under the provision of Section 325 IPC and therefore the petitioner is not entitled for the grant of regular bail.

Mr. J. S. Kang, learned counsel appearing on behalf of the complainant has also opposed the grant of bail to the petitioner on the ground that till the material witnesses are examined the petitioner should not be granted the benefit of regular bail since he was a member of an unlawful assembly and had caused injuries upon the complainant.

I have heard the learned counsel for the parties.

The petitioner has already faced incarceration from 09.09.2022 and the investigation of the case has already been completed. The other co-accused namely Sonu who is at parity with the present petitioner has already been granted bail by this Court on 21.12.2022. The argument raised by learned counsel for the State that the petitioner is involved in one more case and therefore he is not entitled for the grant of regular bail, is not maintainable in view of the fact that mere pendency of any other case cannot become a ground for denial of bail particularly when learned counsel for the petitioner during the course of arguments has submitted that the petitioner is already on bail in that case. So far as the objection raised by learned counsel for the complainant that till the time the material witnesses are examined, the petitioner should not be considered for the grant of regular bail also cannot constitute a ground unless there is any threat or apprehension with regard to influence of witnesses. No material has been placed on record or so argued that there is an immediate threat to the witnesses etc.

In view of the aforesaid fact and circumstances and particularly considering the fact that the other co-accused namely Sonu who is at parity with the present petitioner has already been extended the benefit of regular bail by this Court on 21.12.2022, the petitioner deserves the concession of regular bail. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

February 13, 2023

dinesh	Whether speaking	:	Yes/No
	Whether reportable	:	Yes/No